

**ASSEMBLY BILL**

**No. 2210**

**Introduced by Assembly Member Goldberg**

February 22, 2006

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An act to amend Sections 21100, 22658, 22658.2, 22953, and 40000.15 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2210, as introduced, Goldberg. Tow trucks: regulating.

(1) Existing statutory law authorizes a city or county to adopt rules and regulations by ordinance or resolution regarding, among other things, licensing and regulating the operation of tow truck service or tow truck drivers whose principal place of business or employment is within the jurisdiction of that local authority, except as specified.

This bill would express certain legislative findings regarding the safety and welfare of the general public as being promoted in allowing local authorities to license and regulate tow truck service companies and their operators.

(2) Existing law requires a towing company to remove a vehicle parked on private property to the nearest public garage under specific circumstances if, among other things, the property owner or lessee's prior written authorization is obtained and imposes certain duties on the tow truck company and storage facilities and their operators. Under existing law, civil causes of action are established for violating these provisions and it is an infraction, under the Vehicle Code, for a person to violate, or fail to comply with the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code.

This bill would substantially recast these provisions by requiring, among other things, that the described written authorization from the property owner or the lessee contain certain specific information. The

bill would also require the towing company to provide a photocopy of the written authorization to the vehicle owner or an agent of that owner, when that person claims the vehicle and prior to payment, would prohibit a towing company from removing or commencing the removal of a vehicle from certain private property unless the towing company has made a good faith inquiry to determine that the owner or the property owner's agent complied with certain statutory restrictions regarding the removal of a vehicle from certain private property. The bill would require a towing company to maintain certain records. The bill would make a violation of these provisions, a misdemeanor, thereby imposing a state-mandated local program by creating new crimes, and subject to civil actions.

The bill would require, upon a vehicle owner's request, a towing company or its driver to immediately and unconditionally release a vehicle that is not yet removed from private property and in transit. The bill would make it a misdemeanor to violate this requirement and to knowingly charge a vehicle owner a towing, service, or charge that exceeds statutorily imposed rates, thereby imposing a state-mandated local program by creating new crimes.

This bill would require a person operating or in charge of a storage facility to conspicuously display in that portion of the office where business is conducted with the public a notice advising that all valid bank credit cards and cash are acceptable means of payment.

The bill would make the failure to comply with these display requirements or to fail to accept valid credit card or cash payments a misdemeanor, thereby, imposing a state-mandated local program by creating new crimes.

The bill would express the intent of the Legislature regarding vehicle possession and promoting the safety of the general public, and would specify that the remedies provided in these provisions are not exclusive and are in addition to other remedies or procedures that may be provided in other provisions of law.

(3) Existing law prohibits an owner or person in lawful possession of private property that is held open to the public, or a discernible portion thereof, for parking of vehicles at no fee, from towing or removing, or causing the towing or removal, of a vehicle within one hour of the vehicle being parked, except as excluded.

This bill would exclude from this prohibition a vehicle that is parked in a manner that interferes with an entrance to, or exit from, the private property.

This bill would also express legislative intent regarding promoting the safety of the general public, and would allow for a civil cause of action upon a violation of the above prohibition.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21100 of the Vehicle Code is amended  
2 to read:

3 21100. Local authorities may adopt rules and regulations by  
4 ordinance or resolution regarding the following matters:

5 (a) Regulating or prohibiting processions or assemblages on  
6 the highways.

7 (b) Licensing and regulating the operation of vehicles for hire  
8 and drivers of passenger vehicles for hire.

9 (c) Regulating traffic by means of traffic officers.

10 (d) Regulating traffic by means of official traffic control  
11 devices meeting the requirements of Section 21400.

12 (e) Regulating traffic by means of any person given temporary  
13 or permanent appointment for such duty by the local authority  
14 whenever official traffic control devices are disabled or  
15 otherwise inoperable, at the scenes of accidents or disasters, or at  
16 such locations as may require traffic direction for orderly traffic  
17 flow.

18 No person shall, however, be appointed pursuant to this  
19 subdivision unless and until the local authority has submitted to  
20 the commissioner or to the chief law enforcement officer  
21 exercising jurisdiction in the enforcement of traffic laws within  
22 the area in which such person is to perform such duty, for review,  
23 a proposed program of instruction for the training of a person for  
24 such duty, and unless and until the commissioner or such other  
25 chief law enforcement officer approves the proposed program.

26 The commissioner or such other chief law enforcement officer

1 shall approve such a proposed program if he reasonably  
2 determines that the program will provide sufficient training for  
3 persons assigned to perform the duty described in this  
4 subdivision.

5 (f) Regulating traffic at the site of road or street construction  
6 or maintenance by persons authorized for such duty by the local  
7 authority.

8 (g) (1) Licensing and regulating the operation of tow truck  
9 service or tow truck drivers whose principal place of business or  
10 employment is within the jurisdiction of the local authority,  
11 excepting the operation and operators of any auto dismantlers'  
12 tow vehicle licensed under Section 11505 or any tow truck  
13 operated by a repossessing agency licensed under Chapter 11  
14 (commencing with Section 7500) of Division 3 of the Business  
15 and Professions Code and its registered employees. ~~Nothing~~

16 (2) *The Legislature finds that the safety and welfare of the*  
17 *general public is promoted by permitting local authorities to*  
18 *regulate tow truck service companies and operators that are*  
19 *licensed and insured and properly trained in the safe operation*  
20 *of towing equipment, thereby ensuring against towing mistakes*  
21 *that may lead to violent confrontation, stranding motorists in*  
22 *dangerous situations, impeding the expedited vehicle recovery,*  
23 *and wasting state and local law enforcement's limited resources.*

24 (3) ~~Nothing~~ in this subdivision shall limit the authority of a  
25 city or city and county pursuant to Section 12111.

26 (h) Operation of bicycles, and, as specified in Section 21114.5,  
27 electric carts by physically disabled persons, or persons 50 years  
28 of age or older, on the public sidewalks.

29 (i) Providing for the appointment of nonstudent school  
30 crossing guards for the protection of persons who are crossing a  
31 street or highway in the vicinity of a school or while returning  
32 thereafter to a place of safety.

33 (j) Regulating the methods of deposit of garbage and refuse in  
34 streets and highways for collection by the local authority or by  
35 any person authorized by the local authority.

36 (k) (1) Regulating cruising. ~~The~~

37 (2) *The ordinance or resolution adopted pursuant to this*  
38 *subdivision shall regulate cruising, which shall be defined as is*  
39 *the repetitive driving of a motor vehicle past a traffic control*  
40 *point in traffic—~~which~~ that is congested at or near the traffic*

1 control point, as determined by the ranking peace officer on duty  
2 within the affected area, within a specified time period and after  
3 the vehicle operator has been given an adequate written notice  
4 that further driving past the control point will be a violation of  
5 the ordinance or resolution. ~~No~~

6 (3) A person is *not* in violation of an ordinance or resolution  
7 adopted pursuant to this subdivision unless ~~(1) that both of the~~  
8 *following apply:*

9 (A) *That* person has been given the written notice on a  
10 previous driving trip past the control point and then again passes  
11 the control point in that same time interval ~~and (2) the~~.

12 (B) *The* beginning and end of the portion of the street subject  
13 to cruising controls are clearly identified by signs that briefly and  
14 clearly state the appropriate provisions of this subdivision and the  
15 local ordinance or resolution on cruising.

16 (I) Regulating or authorizing the removal by peace officers of  
17 vehicles unlawfully parked in a fire lane, as described in Section  
18 22500.1, on private property. ~~Any~~ A removal pursuant to this  
19 subdivision shall be consistent, to the extent possible, with the  
20 procedures for removal and storage set forth in Chapter 10  
21 (commencing with Section 22650).

22 SEC. 2. Section 22658 of the Vehicle Code is amended to  
23 read:

24 22658. (a) Except as provided in Section 22658.2, the owner  
25 or person in lawful possession of any private property, within one  
26 hour of notifying, by telephone or, if impractical, by the most  
27 expeditious means available, the local traffic law enforcement  
28 agency, may cause the removal of a vehicle parked on the  
29 property to the nearest public garage under any of the following  
30 circumstances:

31 (1) There is displayed, in plain view at all entrances to the  
32 property, a sign not less than 17 by 22 inches in size, with  
33 lettering not less than one inch in height, prohibiting public  
34 parking and indicating that vehicles will be removed at the  
35 owner's expense, and containing the telephone number of the  
36 local traffic law enforcement agency. The sign may also indicate  
37 that a citation may also be issued for the violation.

38 (2) The vehicle has been issued a notice of parking violation,  
39 and 96 hours have elapsed since the issuance of that notice.

(3) The vehicle is on private property and lacks an engine, transmission, wheels, tires, doors, windshield, or any other major part or equipment necessary to operate safely on the highways, the owner or person in lawful possession of the private property has notified the local traffic law enforcement agency, and 24 hours have elapsed since that notification.

(4) The lot or parcel upon which the vehicle is parked is improved with a single-family dwelling.

(b) The person causing removal of the vehicle, if the person knows or is able to ascertain from the registration records of the Department of Motor Vehicles the name and address of the registered and legal owner of the vehicle, shall immediately give, or cause to be given, notice in writing to the registered and legal owner of the fact of the removal, the grounds for the removal, and indicate the place to which the vehicle has been removed. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage. The notice provided for in this section shall include the amount of mileage on the vehicle at the time of removal. If the person does not know and is not able to ascertain the name of the owner or for any other reason is unable to give the notice to the owner as provided in this section, the person causing removal of the vehicle shall comply with the requirements of subdivision (c) of Section 22853 relating to notice in the same manner as applicable to an officer removing a vehicle from private property.

(c) This section does not limit or affect any right or remedy ~~which~~ *that* the owner or person in lawful possession of private property may have by virtue of other provisions of law authorizing the removal of a vehicle parked upon private property.

(d) The owner of a vehicle removed from private property pursuant to subdivision (a) may recover for any damage to the vehicle resulting from any intentional or negligent act of ~~any~~ *a* person causing the removal of, or removing, the vehicle.

(e) ~~Any~~ *An* owner or person in lawful possession of ~~any~~ private property, or an “association” pursuant to Section 22658.2, causing the removal of a vehicle parked on that property is liable for double the storage or towing charges whenever there has been a failure to comply with paragraph (1), (2), or (3) of subdivision (a) or to state the grounds for the removal of the vehicle if

1 requested by the legal or registered owner of the vehicle as  
2 required by subdivision (f).

3 (f) ~~Any~~ *An* owner or person in lawful possession of ~~any~~  
4 private property, or an “association” pursuant to Section 22658.2,  
5 causing the removal of a vehicle parked on that property shall  
6 state the grounds for the removal of the vehicle if requested by  
7 the legal or registered owner of that vehicle. ~~Any~~ A towing  
8 company that removes a vehicle from private property ~~with the~~  
9 ~~authorization of the property owner or the property owner’s agent~~  
10 *in compliance with subdivision (l)* shall not be held responsible in  
11 ~~any~~ a situation relating to the validity of the removal. ~~Any~~ A  
12 towing company that removes the vehicle under this section shall  
13 be responsible for *the following*: ~~(1) any damage~~

14 (1) *Damage* to the vehicle in the transit and subsequent storage  
15 of the vehicle. ~~and (2) the~~

16 (2) *The* removal of a vehicle other than the vehicle specified  
17 by the owner or other person in lawful possession of the private  
18 property.

19 (g) ~~Possession~~ *(1) Possession* of ~~any~~ a vehicle under this  
20 section shall be deemed to arise when a vehicle is removed from  
21 private property and is in transit.

22 (2) *Upon the request of the owner of the vehicle or that*  
23 *owner’s agent, the towing company or its driver shall*  
24 *immediately and unconditionally release a vehicle that is not yet*  
25 *removed from the private property and in transit.*

26 (3) *A person failing to comply with paragraph (2) is guilty of*  
27 *a misdemeanor.*

28 (h) A towing company may impose a charge of not more than  
29 one-half of the regular towing charge for the towing of a vehicle  
30 at the request of the owner of private property or that owner’s  
31 agent pursuant to this section if the owner of the vehicle or the  
32 owner’s agent returns to the vehicle before it is removed from the  
33 private property. The regular towing charge may only be  
34 imposed after the vehicle has been removed from the property  
35 and is in transit.

36 (i) (1) A charge for towing or storage, or both, of a vehicle  
37 under this section is excessive if the charge is greater than that  
38 which would have been charged for towing or storage, or both,  
39 made at the request of a law enforcement agency under an  
40 agreement ~~between the law enforcement agency and a towing~~

1 company and the law enforcement agency that exercises primary  
2 jurisdiction in the city or county in which is located the private  
3 property from which the vehicle was, or was attempted to be,  
4 removed, or if the private property is not located within a city,  
5 then the law enforcement agency that exercises primary  
6 jurisdiction in the county in which the private property is located.

7 (2) If a vehicle is released within 24 hours from the time the  
8 vehicle is brought into the storage facility, regardless of the  
9 calendar date, the storage charge shall be for only one day. Not  
10 more than one day's storage charge may be required for any a  
11 vehicle released the same day that it is stored.

12 (3) If a request to release a vehicle is made and the appropriate  
13 fees are tendered and documentation establishing that the person  
14 requesting release is entitled to possession of the vehicle, or is  
15 the owner's insurance representative, is presented within the  
16 initial 24 hours of storage, and the storage facility fails to comply  
17 with the request to release the vehicle or is not open for business  
18 during normal business hours, then only one day's storage charge  
19 may be required to be paid until after the first business day. A  
20 business day is any day in which the lienholder is open for  
21 business to the public for at least eight hours. If a request is made  
22 more than 24 hours after the vehicle is placed in storage, charges  
23 may be imposed on a full calendar day basis for each day, or part  
24 thereof, that the vehicle is in storage.

25 (j) ~~Any~~(1) A person who charges a vehicle owner a towing,  
26 service, or storage charge at an excessive rate, as described in  
27 subdivision (h) or (i), is civilly liable to the vehicle owner for  
28 four times the amount charged.

29 (2) A person who knowingly charges a vehicle owner a  
30 towing, service, or storage charge at an excessive rate, as  
31 described in subdivision (h) or (i), is guilty of a misdemeanor;  
32 punishable by a fine of not more than two thousand five hundred  
33 dollars (\$2,500), or by imprisonment in the county jail for not  
34 more than three months, or by both that fine and imprisonment.

35 (k) ~~Persons~~(1) A person operating or in charge of any a  
36 storage facility where vehicles are stored pursuant to this section  
37 shall accept a valid bank credit card or cash for payment of  
38 towing and storage by a registered owner or the owner's agent  
39 claiming the vehicle. ~~A~~



1     (2) *A person described in paragraph (1) shall conspicuously*  
2 *display, in that portion of the storage facility office where*  
3 *business is conducted with the public, a notice advising that all*  
4 *valid bank credit cards and cash are acceptable means of*  
5 *payment.*

6     (3) *A person operating or in charge of ~~any~~ a storage facility*  
7 *who refuses to accept a valid bank credit card ~~is or who fails to~~*  
8 *post the required notice under paragraph (2) is guilty of a*  
9 *misdemeanor, punishable by a fine of not more than two*  
10 *thousand five hundred dollars (\$2,500), or by imprisonment in*  
11 *the county jail for not more than three months, or by both that*  
12 *fine and imprisonment.*

13     (4) *A person described in paragraph (1) is civilly liable to the*  
14 *registered owner of the vehicle or the person who tendered the*  
15 *fees for four times the amount of the towing and storage charges,*  
16 *but not to exceed five hundred dollars (\$500). ~~In addition~~*

17     (5) ~~persons~~ *A person operating or in charge of the storage*  
18 *facility shall have sufficient moneys on the premises of the*  
19 *primary storage facility during normal business hours to*  
20 *accommodate, and make change in, a reasonable monetary*  
21 *transaction. ~~Credit~~*

22     (6) *Credit* charges for towing and storage services shall  
23 comply with Section 1748.1 of the Civil Code. Law enforcement  
24 agencies may include the costs of providing for payment by  
25 credit when making agreements with towing companies as  
26 described in subdivision (i).

27     (l) (1) (A) A towing company shall not remove or commence  
28 the removal of a vehicle from private property without first  
29 obtaining written authorization from the property owner or  
30 lessee, or an employee or agent thereof, who shall be present at  
31 the time of removal. ~~General~~

32     (B) *The written authorization under subparagraph (A) shall*  
33 *include all of the following:*

34     (i) *The make, model, and license plate number of the removed*  
35 *vehicle.*

36     (ii) *The name, signature, job title, address and working*  
37 *telephone number of the person, described in subparagraph (A),*  
38 *authorizing the removal of the vehicle.*

39     (iii) *The grounds for the removal of the vehicle.*

1 (iv) *The time when the vehicle was first observed parked at the*  
2 *private property.*

3 (v) *The time when the vehicle was removed from the private*  
4 *property.*

5 (C) *When the vehicle owner or his or her agent claims the*  
6 *vehicle, the towing company prior to payment of any towing or*  
7 *storage charge shall provide a photocopy of the written*  
8 *authorization to the vehicle owner or the agent.*

9 (D) A towing company shall not remove or commence the  
10 removal of a vehicle from private property described in  
11 subdivision (a) of Section 22953 unless the towing company has  
12 made a good faith inquiry to determine that the owner or the  
13 property owner's agent complied with Section 22953.

14 (E) *General* authorization to remove or commence removal of  
15 a vehicle at the towing company's discretion shall not be  
16 delegated to a towing company or its affiliates except in the case  
17 of a vehicle unlawfully parked within 15 feet of a fire hydrant or  
18 in a fire lane, or in a manner which interferes with ~~any~~ *an*  
19 entrance to, or exit from, the private property.

20 (2) If a towing company removes a vehicle without written  
21 authorization and that vehicle is unlawfully parked within 15 feet  
22 of a fire hydrant or in a fire lane, or in a manner ~~which that~~  
23 interferes with ~~any~~ *an* entrance to, or exit from, the private  
24 property, the towing company shall take, prior to the removal of  
25 that vehicle, a photograph of the vehicle ~~which that~~ clearly  
26 indicates that parking violation. ~~The~~ *Prior to accepting payment,*  
27 *the* towing company shall keep one copy of the photograph taken  
28 pursuant to this paragraph, and shall present that photograph *and*  
29 *provide a photocopy* to the owner or an agent of the owner, when  
30 that person claims the vehicle.

31 ~~(3) Any towing company, or any affiliate of a towing~~  
32 ~~company, which removes, or commences removal of, a vehicle~~  
33 ~~from private property without first obtaining written~~  
34 ~~authorization from the property owner or lessee, or an employee~~  
35 ~~or agent thereof, who is present at the time of removal or~~  
36 ~~commencement of the removal, except as permitted by paragraph~~  
37 ~~(1), is liable to the owner of the vehicle for four times the amount~~  
38 ~~of the towing and storage charges, in addition to any applicable~~  
39 ~~criminal penalty, for a violation of paragraph (1).~~

1     (3) *A towing company shall maintain a written authorization*  
2 *with the photographs, required pursuant to this section, for a*  
3 *period of three years and shall make them available for*  
4 *inspection and copying without a warrant to law enforcement,*  
5 *the Attorney General, district attorney, or city attorney.*

6     (4) *A person who violates this subdivision is guilty of a*  
7 *misdemeanor, punishable by a fine of not more than two*  
8 *thousand five hundred dollars (\$2,500), or by imprisonment in*  
9 *the county jail for not more than three months, or by both that*  
10 *fine and imprisonment.*

11     (5) *A person who violates this subdivision is civilly liable to*  
12 *the owner of the vehicle or his or her agent for four times the*  
13 *amount of the towing and storage charges.*

14     (m) (1) It is the intent of the Legislature in the adoption of  
15 subdivision (k) to assist vehicle owners or their agents by, among  
16 other things, allowing payment by credit cards for towing and  
17 storage services, thereby expediting the recovery of towed  
18 vehicles and concurrently promoting the safety and welfare of the  
19 public.

20     (2) It is the intent of the Legislature in the adoption of  
21 subdivision (l) to further the safety of the general public by  
22 ensuring that a private property owner or lessee has provided his  
23 or her authorization for the removal of a vehicle from his or her  
24 property, thereby promoting the safety of those persons involved  
25 in ordering the removal of the vehicle as well as those persons  
26 removing, towing, and storing the vehicle.

27     (3) *It is the intent of the Legislature in the adoption of*  
28 *subdivision (g) to promote the safety of the general public by*  
29 *requiring towing companies to unconditionally release a vehicle*  
30 *that is not lawfully in their possession, thereby avoiding the*  
31 *likelihood of dangerous and violent confrontation and physical*  
32 *injury to vehicle owners and towing operators, the stranding of*  
33 *vehicle owners and their passengers at a dangerous time and*  
34 *location, and impeding expedited vehicle recovery, without*  
35 *wasting law enforcement's limited resources.*

36     (n) *The remedies provided in this section are not exclusive and*  
37 *are in addition to other remedies or procedures that may be*  
38 *provided in other provisions of law.*

39     SEC. 3. Section 22658.2 of the Vehicle Code is amended to  
40 read:

22658.2. (a) Except as provided in subdivision (b), an “association”, as defined in subdivision (a) of Section 1351 of the Civil Code, of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code, may cause the removal of a vehicle parked on that property to the nearest public garage if all of the following requirements are satisfied:

(1) A sign not less than 17 by 22 inches in size with lettering not less than one inch in height appears at each entrance to the common interest development and contains both of the following:

(A) A statement that public parking is prohibited and all vehicles not authorized to park on the common interest development will be removed at the owner’s expense.

(B) The telephone number of the local traffic law enforcement agency.

The sign may also indicate that a citation may be issued for the violation.

(2) If the identity of the registered owner of the vehicle is known or readily ascertainable, the president of the association or his or her designee shall, within a reasonable time, notify the owner of the removal by first-class mail. If the identity of the owner of the vehicle is not known or ascertainable, the president of the association or his or her designee shall comply with subdivision (c) of Section 22853.

(3) The president of the association or his or her designee, gives or causes to be given, notice of the removal to the local traffic law enforcement agency immediately after the vehicle has been removed. The notice shall include a description of the vehicle, the license plate number, and the address from where the vehicle was removed.

(b) The association may cause the removal without notice of any vehicle parked in a marked fire lane, within 15 feet of a fire hydrant, in a parking space designated for disabled persons without proper authority, or in a manner ~~which~~ *that* interferes with ~~any~~ *an* entrance to, or exit from, the common interest development or ~~any~~ *a* separate interest contained therein.

(c) Notwithstanding Section 1708 of the Civil Code, the association is not liable for ~~any~~ damages incurred by the vehicle owner because of the removal of a vehicle in compliance with this section or for ~~any~~ damage to the vehicle caused by the

1 removal. However, the owner of a vehicle removed pursuant to  
2 this section may recover for ~~any~~ damage to the vehicle ~~which~~  
3 *that* results from any intentional or negligent act of the  
4 association or ~~any~~ a person causing the removal of, or removing,  
5 the vehicle.

6 (d) Notwithstanding any other provision of law, subdivisions  
7 (f) to ~~(k)~~ (l), inclusive, of Section 22658 apply to the removal of  
8 vehicles pursuant to this section.

9 SEC. 4. Section 22953 of the Vehicle Code is amended to  
10 read:

11 22953. (a) ~~Every~~ *An* owner or person in lawful possession of  
12 ~~any~~ private property ~~which~~ *that* is held open to the public, or a  
13 discernible portion thereof, for parking of vehicles at no fee, *or*  
14 *an employee or agent thereof*, shall not tow or remove, or cause  
15 the towing or removal, of ~~any~~ a vehicle within one hour of the  
16 vehicle being parked.

17 (b) Notwithstanding subdivision (a), a vehicle may be  
18 removed immediately after being illegally parked within 15 feet  
19 of a fire hydrant, in a fire lane, *in a manner that interferes with*  
20 *an entrance to, or an exit from, the private property*, or in a  
21 parking space or stall legally designated for disabled persons.

22 (c) Subdivision (a) does not apply to property designated for  
23 parking at an apartment complex, or to property designated for  
24 parking at a hotel or motel where the parking stalls or spaces are  
25 clearly marked for a specific room.

26 (d) *It is the intent of the Legislature in the adoption of*  
27 *subdivision (a) to avoid causing the unnecessary stranding of*  
28 *motorists and placing them in dangerous situations, when traffic*  
29 *citations and other civil remedies are available, thereby*  
30 *promoting the safety of the general public.*

31 (e) *A person who violates subdivision (a) is civilly liable to the*  
32 *owner of the vehicle or his or her agent for two times the amount*  
33 *of the towing and storage charges.*

34 SEC. 5. Section 40000.15 of the Vehicle Code is amended to  
35 read:

36 40000.15. A violation of any of the following provisions shall  
37 constitute a misdemeanor, and not an infraction:

38 *Subdivision (g), (j), (k), or (l) of Section 22658, relating to*  
39 *unlawfully towed or stored vehicles.*

40 Sections 23103 and 23104, relating to reckless driving.

1 Section 23109, relating to speed contests or exhibitions.  
2 Subdivision (a) of Section 23110, relating to throwing at  
3 vehicles.  
4 Section 23152, relating to driving under the influence.  
5 Subdivision (b) of Section 23222, relating to possession of  
6 marijuana.  
7 Subdivision (a) or (b) of Section 23224, relating to persons  
8 under 21 years of age knowingly driving, or being a passenger in,  
9 a motor vehicle carrying any alcoholic beverage.  
10 Section 23253, relating to officers on vehicular crossings.  
11 Section 23332, relating to trespassing.  
12 Section 24002.5, relating to unlawful operation of a farm  
13 vehicle.  
14 Section 24011.3, relating to vehicle bumper strength notices.  
15 Section 27150.1, relating to sale of exhaust systems.  
16 Section 27362, relating to child passenger seat restraints.  
17 Section 28050, relating to true mileage driven.  
18 Section 28050.5, relating to nonfunctional odometers.  
19 Section 28051, relating to resetting odometers.  
20 Section 28051.5, relating to devices to reset odometers.  
21 Subdivision (d) of Section 28150, relating to possessing four or  
22 more jamming devices.  
23 SEC. 6. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the  
28 penalty for a crime or infraction, within the meaning of Section  
29 17556 of the Government Code, or changes the definition of a  
30 crime within the meaning of Section 6 of Article XIII B of the  
31 California Constitution.